

010303

## Executive Committee:

Philip Bradley, Commissioner  
South Carolina Department of Public Service  
Robert Capetich, Director of Government Affairs  
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Florida Public Service Commission  
Robert Horn, Assistant VP and Manager of Federal Affairs  
Detroit Edison  
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JUL 10 2001



July 3, 2001

Dr. Jane R. Summerson, EIS Document Manager  
M/S 010  
U.S. Department of Energy  
Office of Civilian Radioactive Waste Management  
Yucca Mountain Site Characterization Office  
P.O. Box 30307  
North Las Vegas, NV 89036-0307

Dear Dr. Summerson:

Re: Comments of the Nuclear Waste Strategy Coalition to the Supplement to the  
Draft Environmental Impact Statement for a Geologic Repository for the  
Disposal of Spent Nuclear Fuel and High-Level Level Radioactive Waste at  
Yucca Mountain, Nye County, Nevada.  
Docket: DOE/EIS-0250D-S.

The Nuclear Waste Strategy Coalition (NWSC) hereby submits the following comments on the  
above referenced U.S. Department of Energy, Office of Civilian Radioactive Waste Management  
Supplement to the Draft Environmental Impact Statement, May 2001.

1 | Additionally, the DOE also released in May 2001 a separate report, the Nuclear Waste Fund  
Adequacy: An Assessment. The fee adequacy study shows that the Nuclear Waste Fund (NWF)  
is "fee adequate" over a broad range; however, it does not address the potential delay for the  
closure of the permanent repository. That assumption is left to future generations to determine  
whether to leave the repository open, monitored or permanently close the site. It is estimated in  
the Report that the costs increased by \$11.8 billion (in Contract 2000 dollars) resulting from a  
range of alternative design features that changed the program scope.

2 | The NWSC applauds the DOE's development of the Science and Engineering flexible design  
that addresses the Nuclear Waste Technical Review Board concerns regarding waste packaging  
and repository performance for a lower-temperature design. However, the NWSC hopes that  
real progress continues to be made with the civilian nuclear waste disposal program as the  
nation's ratepayers have already paid since 1983 nearly \$18 billion, including interest, into the  
NWF for nuclear waste disposal services they are not receiving.

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Dr. Jane Summerson  
DOE/OCRWM  
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3 The NWF collects annually more than \$1,000,000,000, including interest, from the nation's ratepayers, that equates to \$114,000 every hour of every day. Meanwhile, tons of high-level nuclear radioactive waste continues to accumulate at 73 sites in 33 states because of the DOE's failure to fulfill its statutory and contractual obligations. Due to missed deadlines by the DOE, an additional \$40 billion to \$80 billion in costs could occur. Any additional cost incurred by delay should be paid by the Department of Treasury Judgment Fund and NOT from the Nuclear Waste Fund as claimed by the DOE in its May 2001 NWF Fee Adequacy Report. The law prohibits appropriation from the NWF. The NWF was designed to cover the costs of carrying out the federal government's commitment to disposal of spent nuclear fuel and expenditures from the NWF are strictly regulated. The DOE is to make expenditures from the Fund only "for purposes of radioactive waste disposal activities under titles I and II [of the NWPA]." 42U.S.C. § 10222(D). Payments for lawsuits arising out of the DOE's failure to perform its unconditional statutory obligations, is simply not one of the enumerated purposes for the NWF.

4 As stated in our comments, the NWSC strongly urges the DOE to stay focused with the civilian waste disposal program and move forward expeditiously to meet the 2010 deadline for the spent nuclear fuel and high-level waste acceptance at the permanent repository.

Sincerely,



Philip Bradley  
Commissioner  
South Carolina Public Service Commission,  
On behalf of the Nuclear Waste Strategy Coalition Executive Committee

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**UNITED STATES DEPARTMENT OF ENERGY**

Supplement to the Draft Environmental Impact )  
Statement for a Geologic Repository for the )  
Disposal of Spent Nuclear Fuel and High-Level )  
Level Radioactive Waste at Yucca Mountain, )  
Nye County, Nevada. )

Docket: DOE/EIS-0250D-S

**COMMENTS OF THE NUCLEAR WASTE STRATEGY COALITION****INTRODUCTION:**

5 In May 2001, the Department of Energy (DOE) released a Supplement to the Draft Environmental Impact Statement (SDEIS) and numerous other documents reviewing the various scientific alternatives and funding adequacy for the geologic repository at Yucca Mountain. The Nuclear Waste Strategy Coalition (NWSC) applauds the release of the SDEIS and the other documents. The NWSC strongly urges the DOE to continue its focus on the permanent repository to prevent the site recommendation process from falling further behind schedule.

**DISCUSSION****SDEIS Report:**

6 With the release of the recent reports and the anticipated release of the Preliminary Site Suitability Report, it is hoped that Secretary Abraham determines the suitability of Yucca Mountain, present the site recommendations to the President in 2001 and complete and submit the license application to the Nuclear Regulatory Commission by 2003. If the Secretary recommends the Yucca Mountain site, and the President and the U.S. Congress approve it, the permanent repository could be operational by no later than 2010.

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7 The NWSC finds no basic disagreements with the SDEIS focusing on the range of the permanent repository operating modes – lower-temperature and higher-temperature. According to the SDEIS, the modifications to the repository that incorporates the science and engineering flexible design, embodies certain design enhancements that have reduced future uncertainties to the repository operating modes; however, we do wish to raise caution about some of the assumptions. For instance, the studies assume that there is an end date to the production of civilian nuclear waste. The reality is that the current administration's energy policy will in all likelihood generate license renewals and quite possibly new nuclear plants that will extend the period requiring acceptance of waste at the permanent repository.

**Transportation:**

8 The DOE did not evaluate in its SDEIS the transportation of high-level nuclear waste and spent nuclear fuel, as it does not affect the design development to the permanent repository. According to the SDEIS, the transportation issues will be addressed in the Final EIS. Nonetheless, while the DOE continues to make modifications to the operations of the permanent repository, transportation planning and infrastructure system is being overlooked. The DOE should start addressing the transportation activities for the removal of spent nuclear fuel from plant sites to include the development of legal and physical processes and management and integration systems that support program functions now.

9 As it was pointed out in the House Energy and Water Development Appropriations Bill, 2002 Report, Nuclear Waste Disposal, the DOE has an "exemplary safety record in the shipping of commercial and naval nuclear fuel" (p.3). The DOE has proven that it can safely transport spent nuclear fuel and high-level nuclear waste from plant sites across the nation. Yet, instead of moving forward with a more assertive approach in educating the public and working with state and local officials in the development of transportation routes to Nevada and other states, the DOE is deferring its transportation planning until the completion and final selection of the permanent repository.

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10 For more than half a century, enormous attention and stringent regulations have been placed by several federal agencies on the mechanisms of safe transportation of high level radioactive waste material to ensure the safety of the public. Consequently, there are at least 500 laws and regulations in force that effect the transportation of spent nuclear fuel. However, negative perception on the safety record of the transportation of spent nuclear fuel continues to exist due to deliberate misinformation circulated among the public. Every delay increases the amount and cost of spent nuclear fuel stored at the plant sites and continued unwarranted fear among the public.

11 The DOE's schedule to select the final Nevada rail transportation route by 2003-2005 to the permanent repository need to be identified now. As the DOE stated in its January 2001 Report to the Committees on Appropriations, "establishing a transportation infrastructure would require long-lead times" (p.6). With this knowledge, the DOE proposes equipment acquisition/fabrication and pre-operational mobilization activities begin in FY2006, (Phase B). And, all transportation arrangements and public outreach will not be provided until Phase C, (FY2010). Surely, the DOE should initiate a public education program now about the safety mechanisms already in place and expedite its ability to transportation spent nuclear fuel and high-level nuclear from plant sites waste across the nation.

The Department should be proud of its safety transportation record and should share it with the public to begin the elimination of the negative perception of the transportation of spent nuclear fuel across the nation. At the same time, the DOE should initiate the development of legal and physical processes and management and integration systems that support program functions and not wait until the final selection of the permanent repository.

**CONCLUSION**

The Coalition is encouraged by the advancement made by the DOE in the modifications to the design and operating modes of the permanent repository. The NWSC strongly urges the DOE to continue its focus with its current progress towards siting the Yucca Mountain Geologic Repository in a manner that accommodates safety and bolsters confidence in the performance of the permanent disposal program.

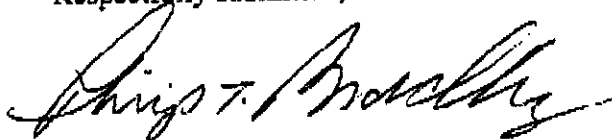
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The NWSC is comprised of state regulators, state attorneys general, nuclear electric utilities and associate members working together to hold the Federal government accountable for its contractual obligation to remove spent nuclear fuel from power plants across the nation to an interim storage and to a permanent repository. The NWSC has participants from 44 organizations in 25 states.

Respectfully submitted,



Philip Bradley

Commissioner

South Carolina Public Service Commission

On behalf of the Nuclear Waste Strategy Coalition

Executive Committee

101 Executive Center Drive

Columbia, SC 29211

Dated: July 3, 2001